

Serial No. 10/687,411
Response Dated 10/7/05

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REMARKS

In the Office Action of September 7, 2005, claims 1-28 were subjected to a restriction requirement. As required, the Applicants elect the Group I claims, 1-26. The Applicants stress, however, that this election is made with traverse since the Applicants believe that the claims of Group I and Group II are not patentably distinct. The Applicants point out that claim 1 when compared with claim 27 using the "Compare Documents" Tool in MICROSOFT WORD affords the following composite paragraph which highlights the differences between Claim 1 and Claim 27

[c01] A method for making ~~diphenyl~~ diaryl carbonate, said method comprising:

contacting in a reaction mixture ~~phenol~~ phenolic precursor with carbon monoxide and oxygen in the presence of a carbonylation catalyst comprising palladium or a compound thereof, a co-catalyst, a base, a halide source, and a chemical additive for increasing the amount of diaryl carbonate produced per unit of the carbonylation catalyst, said chemical additive comprising a salt of magnesium or lithium, or a combination thereof, said chemical additive being present in an amount corresponding to at least 25 equivalents of lithium, magnesium, or a combination thereof relative to an amount of palladium present in the carbonylation catalyst.

Thus, claim 1 refers to the preparation of a "diaryl carbonate" from a "phenolic precursor" and claim 27 refers to the preparation of "diphenyl carbonate" from "phenol". The Applicants respectfully point out that the term "diaryl carbonate" is generic and encompasses the term "diphenyl carbonate". The compound diphenyl carbonate is a species of the genus defined by the term "diaryl carbonate". Paragraph [0016] of the specification makes it clear that the term "phenolic precursor" used in claim 1 is a generic term which encompasses the term "phenol".

[0016] Aromatic hydroxy compounds which may be used as phenolic precursors in the practice of the present invention include aromatic mono- or polyhydroxy compounds, such as phenol, p-cresol, o-cresol, m-cresol, xlenol, resorcinol, hydroquinone, bisphenol A, 4-fluorophenol, methyl salicylate, and mixtures thereof. Aromatic organic monohydroxy compounds are preferred, with phenol being more preferred. The examples of aromatic hydroxy compounds provided above are for illustrative purposes and are in no way intended to limit the scope of the applicability of the method of the present

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invention. Thus, nearly any aromatic hydroxy compound may be employed according to the method of the present invention.

Thus, claims 27 and 28 fall within the scope of claim 1, and are closely allied to claim 1. The Applicants respectfully point out that a reference anticipating claim 27 would render claim 1 unpatentable since claim 27 is represents a subgenus of the genus defined by claim 1 and falls entirely within the scope of claim 1.

In view of the foregoing the Applicants courteously request the Examiner to reconsider his requirement for restriction, and if moved by the arguments of the Applicants or by further scrutiny of the claims in question, to remove it altogether. If further questions arise the Examiner is requested to contact the Applicants' undersigned representative at the telephone number below.

Respectfully submitted,


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